

An Evaluation of the Process of Handling Complaints from Landlords and Tenants in Montgomery County

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Executive Summary

This evaluation by the Office of Legislative Oversight found that the County Government operates an efficient and effective process for resolving complaints received from landlords and tenants. The Office of Landlord-Tenant Affairs resolves the vast majority of the complaints at the staff level in a timely manner. As a result, the Commission on Landlord-Tenant Affairs needs to review a relatively small proportion of the complaints received each year. In addition, a FY 01 client satisfaction survey found that 85-89% of the responding tenants and landlords rated OLTA as "good" or "excellent" on factors such as the fairness and speed with which their matter was handled, and the courtesy and attitude of program staff.

The complaint handling process begins when the Office of Landlord-Tenant Affairs (OLTA), in the County's Department of Housing and Community Affairs, receives a formal complaint from a landlord or tenant. The majority of complaints received involve disputes about security deposits, rent increases, fines/fees, lease agreements, and/or termination of tenancy.

OLTA staff investigate the complaint and, if needed, hold a conciliation conference to attempt to resolve the dispute. In FY 2001, OLTA staff received 1,284 formal complaints and resolved 97% of them at the staff level. Program data maintained by the Department indicate that approximately 58% of the complaints submitted during FY 01 were resolved within 30 days. An additional 30% of the complaints were resolved within 90 days.

The Commission on Landlord-Tenant Affairs (a quasi-judicial commission comprised of members appointed by the County Executive and confirmed by the County Council) reviews complaints that are not resolved through conciliation to decide whether to dismiss the complaint or to hold a hearing. In FY 01, the Commission reviewed 41 complaints and held hearings on approximately half of them. A three-member panel of Commission members conduct each hearing and write a decision and order. State and County law designate what the Commission can order, such as termination of a lease, return of all or part of a tenant's security deposit, or damages to be paid by a tenant.

As in any quasi-judicial process, participants are not necessarily satisfied with the outcome. Code Chapter 29 provides that the complainant or respondent can appeal a Commission's decision and order to the Circuit Court. Four of the Commission's FY 01 decisions were appealed to the Circuit Court.

The Council recently enacted some changes to the County's landlord-tenant law (Chapter 29). OLO does not recommend any additional legislative changes be considered at this time. However, OLO recommends that the Council monitor the impact of recent changes on the County's ability to fill Commission vacancies and to maintain a timely resolution of complaints. Until the Council completes its review of compensation for members of all quasi-judicial boards and commissions, OLO recommends increased publicity of the current policy that provides reimbursement for Commissioners' transportation and child care expenses.

The Council should request follow-up information from OLTA about the Department's efforts to address Commissioners' concerns about writing decisions and orders. Finally, OLO recommends the Council consider adding more resources to the complaint-handling process in order to: improve the County's capacity to respond to an increasing volume of general inquiries from tenants and landlords; identify and address systemic problems in the rental housing market; and conduct more community outreach.

I. Introduction

A. Authority

Council Resolution No. 14-607, FY 2001 Work Program of the Office of Legislative Oversight, adopted August 1, 2000.

B. Methodology

Jennifer Kimball, Legislative Analyst in the Office of Legislative Oversight conducted this project. Information was collected through interviews with Department of Housing and Community Affairs (DHCA) staff, Office of the County Attorney staff, and Commission on Landlord-Tenant Affairs (“Commission”) members. Additional information came from the Montgomery County Code and the DHCA web site. OLO staff also attended Commission on Landlord-Tenant Affairs meetings and hearings.

C. Scope and Organization

During review of Bill 33-99, the Council’s Planning, Housing and Economic Development (PHED) Committee encountered some issues and questions related to the effectiveness of the landlord-tenant complaint handling process that warranted further analysis. The Committee recommended that the Council include an evaluation of the complaint handling process on OLO’s FY 2001 Work Program.

This report describes and evaluates the County Government’s process for resolving complaints submitted by landlords and tenants in Montgomery County. The report includes workload and outcome data associated with the complaint resolution process. It also presents the observations of individuals involved in the process. The report is organized as follows:

Part II. Background – Describes recent landlord-tenant legislation enacted by the Council, actors involved in the complaint handling process, and the origin and type of complaints submitted to DHCA.

Part III. The Complaint Resolution Process – Describes each step in the process of resolving complaints from landlords and tenants including the receipt of complaints, conciliation by the Office of Landlord-Tenant Affairs, and review by the Commission on Landlord-Tenant Affairs.

Part IV. The Timing of the Complaint Resolution Process – Describes the time it takes to complete the individual steps and the entire complaint resolution process. This part of the report also describes the minimum and maximum time requirements designated by law.

Part V. Participant Observations – Presents the results of a customer satisfaction survey conducted by DHCA to assess complainant and respondent satisfaction with the complaint handling process. It also describes observations about the process from DHCA staff and members of the Commission on Landlord-Tenant Affairs.

Part VI Findings and Recommendations – Presents findings about the complaint handling process and recommendations to improve the process.

D. Acknowledgments

The Office of Legislative Oversight appreciates the assistance of Elizabeth Davison, Joe Giloley, and Renee McLean in the Department of Housing and Community Affairs, and Ed Lattner in the Office of the County Attorney. OLO thanks the Office of Landlord-Tenant Affairs investigators, including Cecilia Castellanos, Michael Denney, Maria Edison, Juin Killingsworth, Deborah Koss, and Rosie McCray-Moody. OLO also thanks the members of the Commission on Landlord-Tenant Affairs, including Kevin Gannon, Donna Henry-Wright, Mattie Ligon, Roger Luchs, Tina Smith Nelson, Travis Nelson, John Peterson, Martin Schnider, Jr., Greg Smith, Jonathan Smith, Andrea Sonde-Hawthorne, and Daryl Steinbraker.

E. Definitions

Terms frequently used in this report include:

Defective Tenancy - any condition in rental housing that violates a term of the lease, the County Code, or any other law or regulation.

Landlord – The owner, owner’s agent, lessor, or sublessor of the dwelling unit who is authorized to exercise any aspect of the management of the premises, except persons engaged solely in custodial and maintenance functions.

Lease – Any written agreement that establishes or modifies the terms, conditions, rules, regulations or any other provisions concerning the use and occupancy of a dwelling unit.

Tenant – Any person who occupies a dwelling unit for living or dwelling purposes with the landlord’s consent.

II. Background

A. Landlord-Tenant Legislation

Title 8 of the Real Property Article of the Maryland Code and Chapter 29 of the Montgomery County Code address landlord-tenant issues. Title 8, Landlord and Tenant governs lease agreements, including security deposits, retaliatory actions and evictions, and repairs. Title 8 also addresses remedies for disputes between landlords and tenants.

Montgomery County Code Chapter 29, Landlord-Tenant Relations, originally enacted in 1972, governs rental housing in the County. Chapter 29 establishes the Commission on Landlord-Tenant Affairs, rental housing licensing, the obligations and rights of landlords and tenants, the process for handling complaints from landlords and tenants, rental housing data collection, and voluntary rent guidelines.

During FY 2000 and 2001, the Council reviewed two bills related to landlord-tenant issues. First the Council amended County Code Chapter 29 to address changes in landlord-tenant issues since the chapter was enacted in 1972. The Council also enacted Emergency Bill 36-00, Commission on Landlord-Tenant Affairs – Membership, in response to concerns regarding the impartiality of individuals appointed to the Commission.

1. Bill 33-99, Landlord-Tenant Relations - Revisions

Bill 33-99, as enacted by the Council, went into effect on April 1, 2001. The bill addressed a variety of topics associated with landlord and tenant affairs, such as evictions, voluntary rent guidelines, rental housing licensing standards, and rental housing inspections. Planning, Housing and Economic Development (PHED) Committee worksessions on Bill 33-99 addressed five issues related specifically to the complaint handling process, including:

Subpoena authority – Bill 33-99 provides DHCA with the authority to issue a subpoena to compel a landlord or a tenant to produce documents relevant to the investigation of a complaint.

Conciliation conference – The Bill requires OLTA to schedule a conciliation conference within 30 days after a complaint is filed, unless there is good cause for delaying the conference. It also provides that the obligation to conciliate a complaint is satisfied if either party fails to appear for the scheduled conference.

Commission investigation – Bill 33-99 retains the Commission's independent authority to investigate and conciliate issues without receiving a formal complaint through OLTA. The Commission has only used this authority once in recent years.

Tenant representation – The Committee and Council discussed whether non-attorneys can represent parties in hearings before the Commission. Council staff noted that this is primarily an issue of state law. Bill 33-99 remained neutral on the issue by deleting references to attorney and non-attorney representation at Commission hearings. The Council also asked DHCA to consider having the OLTA staff take a more active role in presenting cases and to explore the possibility of using bar associations and local law schools to provide affordable attorney representation at hearings.

Appeal bond – Bill 33-99 requires an appellant, who seeks to stay enforcement of a Commission decision and order in which a monetary award is granted, to post a bond equal to the amount of the Commission award with the Circuit Court. The purpose of the amendment is to reduce frivolous appeals to the Circuit Court and to remove the incentive to appeal a Commission award to simply delay payment of an otherwise legitimate award or penalty.

2. Emergency Bill 36-00, Commission on Landlord-Tenant Affairs - Membership

Emergency Bill 36-00, was introduced on December 12, 2000. The Planning, Housing and Economic Development (PHED) Committee reviewed the bill during FY 2001 and the full Council enacted an amended version on July 31, 2001. A copy of the enacted bill is attached at ©5.

The legislative intent of Emergency Bill 36-00 was to ensure that members of the Commission are impartial and unbiased decision-makers, and to maintain the County's ability to recruit and appoint qualified Commission members. As amended by the full Council, Bill 36-00:

- Allows attorneys who primarily represent either landlords or tenants of rental housing to serve as “landlord” or “tenant” members of the Commission without being nominated by a landlord or tenant organization;
- Restricts from serving as “public” members of the Commission attorneys who primarily represent landlords or tenants. The Bill defines an attorney who primarily represents landlords or tenants as one who appeared in ten or more landlord-tenant cases in any jurisdiction and represented that type of client in more than 60% of the attorney's landlord-tenant cases in the preceding 12 months.
- Restrict from serving as “public” or “tenant” members of the Commission persons who own more than 5% of a rental housing unit or an interest in a business that owns or manages rental property, or a person receiving more than \$10,000 per year compensation from an owner or manager of rental property (adjusted annually for inflation).

The Bill also requires that Commission members be County residents. The changes described in Bill 36-00 apply to Commission members appointed or re-appointed on or after the bill's effective date.

B. Actors in the Landlord-Tenant Complaint Process

1. Department of Housing and Community Affairs (DHCA), Office of Landlord-Tenant Affairs (OLTA)

The Office of Landlord-Tenant Affairs (OLTA) in DHCA enforces Chapter 29 of the Montgomery County Code and Title 8 of the Real Property Article of the Annotated Code of Maryland. The FY 2002 Council-approved funding for OLTA totals \$610,070 with 6.9 workyears. OLTA staff includes a Landlord-Tenant Administrator, five full time investigators, one part time investigator, and one support staff position. The Landlord-Tenant Affairs Fund pays for the operating costs of the Office of Landlord-Tenant Affairs.

OLTA staff estimate that their time is allocated among three major activities described below:

- 50% to responding to general public inquiries,
- 45% to resolving formal complaints, and
- 5% to conducting public outreach and education.

Respond to General Inquiries. OLTA staff spend approximately 50% of their time responding to general public inquiries about landlord-tenant issues. In most cases, landlords and tenants request information about legal issues, security deposits, or emergency housing services. Others inquire about how to file a complaint.

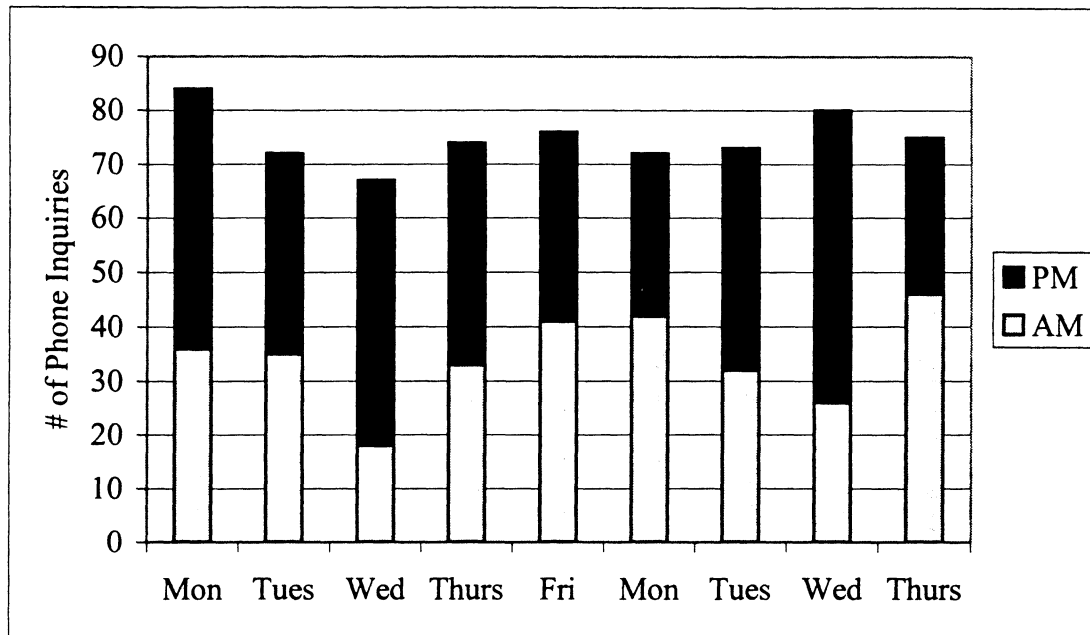
OLTA assigns investigators to respond to telephone and walk-in inquiries during business hours Monday through Friday. One investigator handles telephone inquiries and another handles walk in inquiries between 9:00 a.m. and 12:30 p.m. Two other investigators respond to telephone and walk-in inquiries during the afternoon hours.

Investigators can respond to most of the questions immediately. Other requests require the investigator to read a document or research an issue and get back to the landlord or tenant. The investigators record information about each inquiry, including the name of the person making the inquiry, the type of issue that the person inquires about, and the service that the OLTA staff provide.

To provide a sense of the volume of this work, Graph 1 (page 8) shows the number of telephone inquiries that OLTA investigators responded to between July 23rd and August 2nd, 2001. The data indicates that OLTA staff responded to a high of 84 calls in one day. During the two week period, OLTA received an average of 70 calls or inquiries per day. These numbers do not reflect all of the inquiries that the investigators handle, such as walk in inquiries and questions addressed to specific investigators and the program manager.

OLTA reports that the high volume of general inquiries is related to their efforts to provide more information to the community about landlord-tenant issues. The goal is to reduce the number of complaints from landlords and tenants by providing more information (e.g., the Landlord-Tenant Handbook). OLTA has found that providing more information results in more phone and walk in inquiries.

Graph 1 – Telephone Inquiries About Landlord-Tenant Issues Received by OLTA between July 23, 2001 and August 3, 2001



Resolve Complaints. OLTA staff dedicate approximately 45% of their time to mediating complaints submitted by landlords and tenants. In some cases, investigators responding to an inquiry about a complaint can resolve the dispute over the telephone, without either party filing a formal complaint. In other cases an individual submits a formal complaint, which the investigator can resolve quickly without a full investigation or conciliation conference.

In contrast, most formal complaints require OLTA staff to investigate the complaint and conduct conciliation conferences. If the parties resolve the dispute through a conciliation conference, the investigator drafts a written agreement between the landlord and tenant. The investigators present unresolved cases to the Commission on Landlord-Tenant Affairs. A detailed description of the formal complaint handling process begins on page 13.

Conduct Outreach and Education. OLTA staff spend the remaining 5% of their time:

- Accompanying tenants and landlords on pre-move out walk through inspections;
- Developing, publishing and distributing the Landlord-Tenant Handbook; and
- Presenting information about landlord and tenant rights and responsibilities to community groups and tenant associations.

OLTA staff also track and report to the DHCA Director on specific issues or problems. For example, OLTA investigators report that they began receiving many inquiries from tenants about rent increases this year. In response, investigators who receive inquiries about rent increases collect information about the amount of the increase, how frequently the rent increases, and how much notice of the pending rent increase the landlord provided.

2. Commission on Landlord-Tenant Affairs

The Commission on Landlord-Tenant Affairs (“Commission”) is a quasi-judicial administrative body charged with enforcing Chapter 29 of the Montgomery County Code. The Commission members act as administrative judges in the complaint resolution process. The Commission has authority to investigate and conciliate violations of the law, hold hearings on complaints, impose monetary awards and penalties, and order landlords to make repairs. County Code Chapter 2A – Administrative Procedures Act and Appendix L – Regulations on Commission on Landlord-Tenant Affairs serve as the Commission’s rules of procedure.

The County Executive appoints and the County Council confirms the 12 members and three alternates on the Commission on Landlord-Tenant Affairs.¹ Similar to many other County boards and commissions, the appointment process begins with the Executive’s office distributing announcements to the press and community organizations advertising available positions. The Executive’s office sends the applications to OLTA to arrange interviews. The OLTA manager and three Commission members conduct interviews. Based on the interviews and applications, OLTA recommends applicants for County Executive nomination. The Executive selects nominations for County Council confirmation.

The 12 members and three alternates each serve on the Commission for staggered three year terms. The County does not compensate individuals serving on the Commission, although members can be reimbursed for travel and child care expenses. Appointees serve in the tenant category, landlord category, or public-at-large category.

¹ The alternate’s role on the Commission is the same as the other members. Since there are often vacancies on the Commission and/or members that cannot attend meetings, the alternates are needed at all of the Commission meetings.

The County Code requires appointees to each category to meet specific criteria described below:

- Four members and one alternate serve in the *tenant category*. These members must be (1) tenants of rental housing, (2) attorneys who primarily represent tenants, or (3) individuals nominated by an organization that represents tenants of rental housing in the County. Emergency Bill 36-00 eliminated from serving in the tenant category a tenant who derives a substantial portion of his or her income from owning or managing rental housing or representing those who do.
- Four members and one alternate serve in the *landlord category*. These members must be (1) owners of rental housing, (2) managers or employees of managers of rental housing, (3) attorneys who primarily represents landlords, or (4) individuals nominated by an organization that represents owners or managers of rental housing located in the County.
- Four members and one alternate serve in the *public-at-large category*. These members **must not be** (1) tenants, (2) owners of rental housing, (3) managers (or employees of managers) of rental housing in the County, or (4) attorneys who primarily represents either landlords or tenants. Emergency Bill 36-00 also required that public-at-large members must not derive a substantial portion of their income from rental housing.

The tenant, landlord, or public-at-large designation does not mean that the member represents that category during hearings. For example, if a member is appointed in the tenant category, the member does not represent tenants in hearings before the Commission and does not automatically decide hearings in favor of tenants. Every Commission member makes decisions based on the facts of the case, regardless of the category that they were appointed to fill. The categories serve only to ensure that the Commission is comprised of a broad and representative group of County citizens. Commission members are supposed to be selected based on their ability to understand the law and the information presented in hearings, their ability to make fair and impartial decisions, and the amount of time they can devote to the Commission.

The current Commission members are listed in Attachment 1 at ©4. There are currently two tenant category vacancies and one public-at-large category vacancy. OLTA staff report that vacancies are problematic because all Commission decisions to dismiss or schedule a hearing on a complaint require a quorum. Vacancies on the Commission make it is more difficult to get a quorum of members at meetings. In addition, with fewer Commission members it becomes more difficult to schedule hearings, puts more pressure on the existing Commission members, and can create delays in the complaint handling process.

The PHED Committee and full Council discussed the problem of vacancies during review of Emergency Bill 36-00. The Committee and full Council considered the impact of the Bill on the Department's ability to recruit members, the possibility of including a provision that would allow the County Executive to waive the requirements in Bill 36-00, and the option of paying members who sit on hearing panels. The Bill adopted by the Council does not allow a County Executive waiver or payment for Commission members.

C. Origin of Landlord-Tenant Complaints

Article V of Chapter 29 outlines the general process for a landlord or tenant to follow if he/she believes that a defective tenancy exists. The law defines a defective tenancy as any condition in rental housing that violates a term of the lease, the County Code, or any other law or regulation.

Landlords, tenants, tenant organizations, and prospective tenants can submit complaints of defective tenancy.² The owner of a dwelling unit can also submit complaints regarding rental housing licensing actions taken by DHCA, such as rental license denial or suspension. DHCA data indicate that tenants/tenant organizations submit approximately 97% of the complaints received annually by OLTA.

The Office of Landlord-Tenant Affairs does not have jurisdiction over rental properties located in Barnesville, Chevy Chase Village, Gaithersburg, Garrett Park, Laytonsville, Poolesville, Rockville, Takoma Park, or Washington Grove. Landlords and tenants with complaints regarding properties in those areas take their complaints to the appropriate municipal government.

D. Types of Landlord-Tenant Complaints

Approximately 50% of the complaints received by DHCA relate to single family rental units and 50% to multi-family rental units. The complaints address a variety of issues. Table 1 (page 12) presents data on the types of complaints OLTA typically receives, including:

Security Deposit – These complaints come from tenants alleging unjust damages charged by the landlord against a tenant's security deposit, and the landlord's failure to pay interest on the tenant's security deposit. Many complaints to OLTA involve a disagreement between landlords and tenants as to what constitutes "normal wear and tear" to the rental property. While State law indicates that landlords can charge a tenant's security deposit for damage beyond "normal wear and tear", the law does not further define "normal wear and tear".

² For example, prospective tenants can submit a complaint that a landlord charged more than the law allows for application and other non-refundable fees applicable before a tenant signs a lease.

Maintenance – Most of these complaints come from tenants alleging that a landlord failed to make necessary repairs reported by the tenant. These complaints may also involve a tenant alleging that a landlord failed to deliver the rental property in a clean, safe and sanitary condition at the time the tenant took possession of the property.

Retaliatory Notice – Most retaliatory notice complaints involve a tenant alleging inappropriate actions by the landlord, such as eviction, threat of eviction, harassment, or reduction in services. In some cases, a tenant alleges that the landlord's actions are in retaliation for a tenant's requests for repairs, or other tenant complaints.

License Revocation – These complaints come from owners of rental housing appealing a DHCA decision to not award, to revoke, or to suspend a rental facility license. In most cases, DHCA revokes, suspends, or does not award a license when the owner fails to correct housing code violations.

Rent Abatement – Rent abatement complaints usually accompany a complaint about maintenance or unacceptable conditions in the rental property. Tenants request to not pay rent to the landlord for time periods when conditions were not acceptable.

In the past three years, other miscellaneous complaints have become more common. These include complaints about rent increases, lease agreements, fines/fees charged by landlords, and notices to terminate tenancy. In FY 2001, approximately one third of the complaints related to security deposit issues and two thirds to these miscellaneous items.

OLTA also reports that it is common for a single complaint from a landlord or tenant to involve more than one type of problem. For example, a maintenance complaint may also include a rent abatement complaint. OLTA records complaints, for data collection purposes, based on the most significant aspect of the dispute. Therefore, the complaints categorized in Table 1 as security deposit, for example, may also involve another type of complaint not indicated in the table.

Table 1 – Types of Formal Complaints Submitted to OLTA – FY 99, FY 00, and FY 01³

Type of Complaint	FY 1999		FY 2000		FY 2001	
	Number	Percent	Number	Percent	Number	Percent
Security Deposit	376	47	384	53	417	33
Maintenance	72	9	29	4	52	4
Retaliatory Notice	8	1	65	9	0	0
License Revocation	8	1	0	0	0	0
Rent Abatement	8	1	0	0	0	0
Miscellaneous	328	41	247	34	815	64
Total	800	100%	725	100%	1284	100%

³ While the table indicates that there were no retaliatory notice or rent abatement complaints in FY 2001, some of the disputes may have involved those types of complaints but are counted in one of the other categories.

The Office of Landlord-Tenant Affairs and the Commission on Landlord-Tenant Affairs do not handle eviction cases. The Court handles all cases related to evictions. In addition, Chapter 29 requires DHCA to refer complaints related to or violations of the following chapters to the appropriate department, agency or office:

- Chapter 8 – Building Code,
- Chapter 22 – Fire Safety Code,
- Chapter 26 – Housing and Building Maintenance Standards, and
- Chapter 59 – Zoning Ordinance.

The other department, agency, or office must keep DHCA informed of any action taken on the complaint. If the complaint contains allegations that fall jointly within the jurisdiction of two or more departments and the allegations are non-severable, DHCA must investigate the complaint with the assistance of the other department.

III. The Complaint Resolution Process

The goal of DHCA's Office of Landlord-Tenant Affairs (OLTA) complaint resolution process is to settle disputes between landlords and tenants in a fair and timely manner. The flow chart on page 14 illustrates the nine steps in the formal complaint handling process, which includes OLTA receiving a complaint (Step 1), OLTA attempting to conciliate the complaint (Steps 2-5), and the Commission on Landlord-Tenant Affairs handling the complaint (Steps 6-9).

In sum, landlords, tenants, and tenant organizations submit formal complaints in writing to OLTA. OLTA staff investigate the complaint and attempt to reach conciliation among all interested parties. If conciliation fails to resolve the dispute, the Commission on Landlord-Tenant Affairs reviews the complaint. The Commission can dismiss the complaint or hold a hearing on the complaint. Hearings result in a written Commission decision and order. Either party to the complaint can appeal the Commission's decision and order to the Circuit Court.

Flow chart 2 (page 15) shows the number of open FY 2001 complaints at different steps in the complaint handling process. The chart indicates that 1,284 complaints were received in FY 2001. OLTA staff resolved the majority of the complaints by discussing the dispute with the parties and/or holding a conciliation conference. The flow chart also indicates that only 41 complaints, or 3% of total complaints received in FY 2001, proceeded to the Commission for review. Approximately half of those cases were closed after Commission review, so only 21 of the 1,284 complaints were brought before the Commission for a hearing to resolve the dispute.

Chart 1. Process of Resolving Complaints from Landlords and Tenants

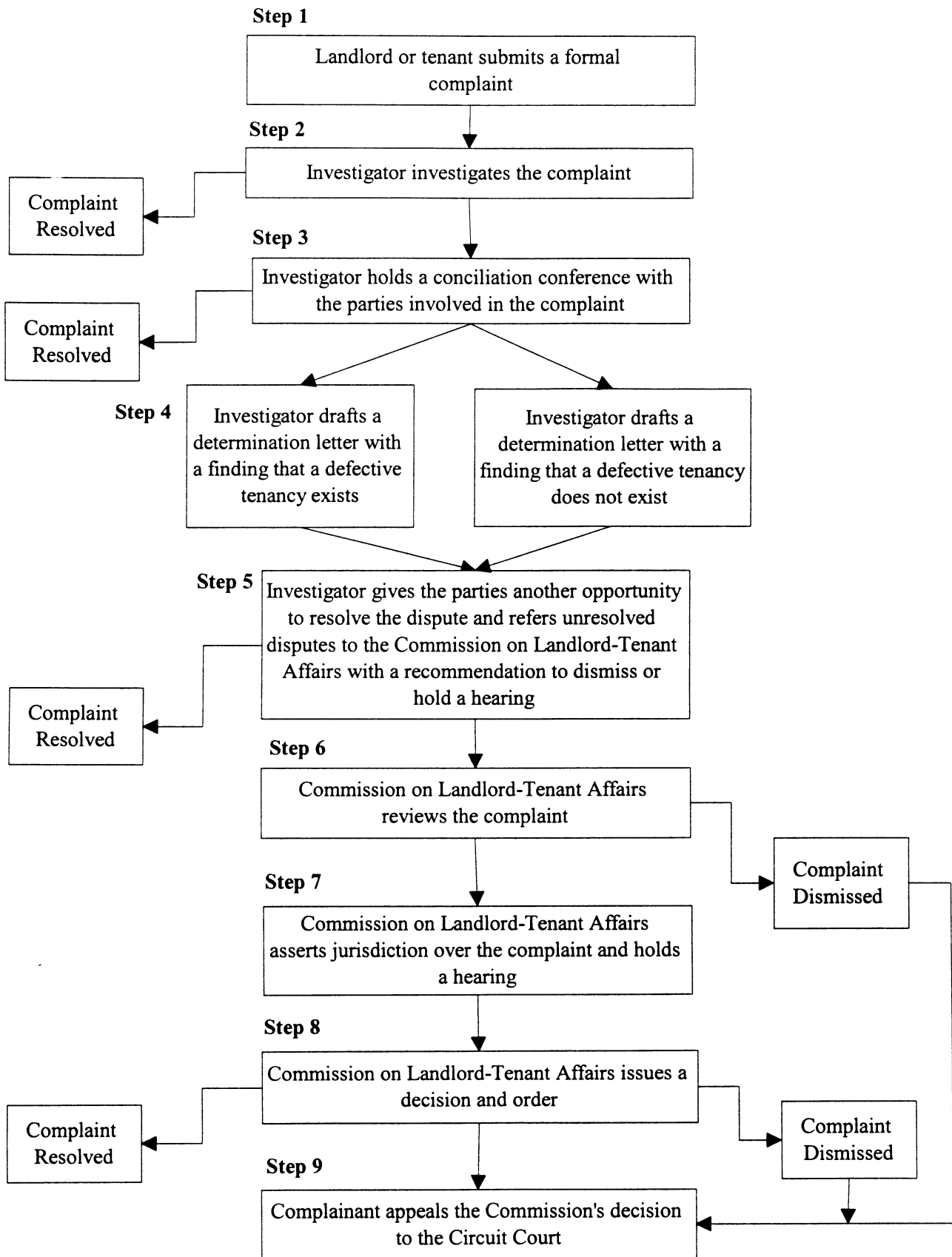
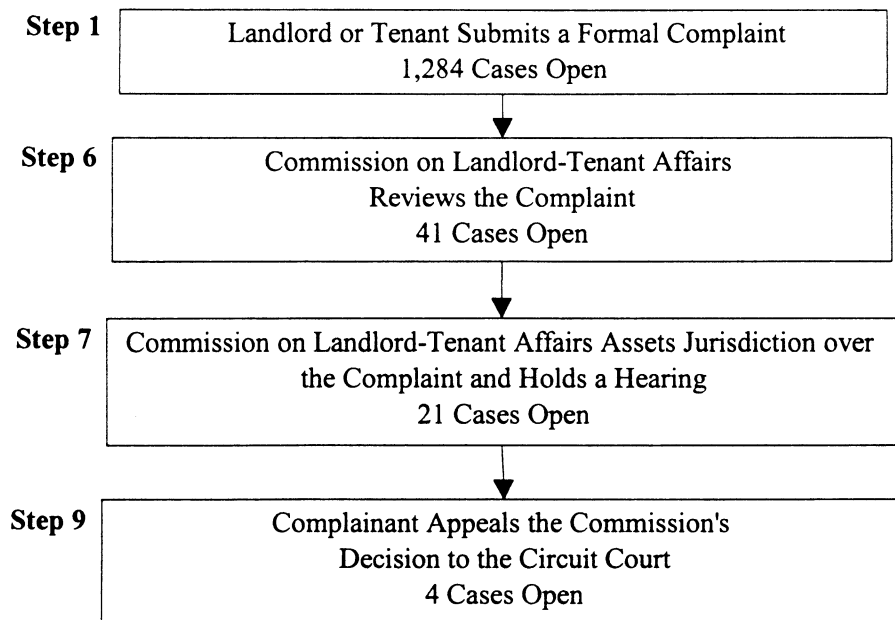


Chart 2. Number of FY 2001 Complaints Open at Different Points in the Complaint Handling Process



STEP 1 – A Landlord or Tenant Submits a Formal Complaint to the Office of Landlord-Tenant Affairs

Complainants begin the formal complaint process by sending a completed complaint form to the party against whom they are complaining. A copy of the complaint form is attached at ©10. The form requests the following information:

- Name, address, and phone number of the person filing the complaint;
- Name, address and phone number of the party against whom the complaint is filed;
- Address of the rental property;
- Detailed description of the complaint; and
- Copy of the lease and other supporting documentation.

DHCA asks complainants to allow one week for the other party to address the complaint. If the parties do not resolve the dispute within one week, the complainant sends the complaint form to OLTA. OLTA sends the complainant an acknowledgement letter and assigns a case number and an investigator.

Table 1 on page 12 indicates that during FY 1999, FY 2000 and FY 2001, OLTA received 800, 725, and 1,284 complaints, respectively. During FY 2001, OLTA received 111 complaints per month on average. OLTA received a high of 301 complaints in May 2001 and a low of 39 in July 2000. The significant increase in complaints between

FY 2000 and FY 2001 and the monthly variation is in part due to the increase in the number of complaints involving multiple units at multi-family properties. OLTA invested time during FY 2001 to identify systemic problems at multi-family properties across the County (e.g., an illegal provision in the leases of all tenants in a multi-family rental property). OLTA counts each tenant separately when more than one tenant in a multi family property files the same complaint against the landlord.

STEP 2 – An Office of Landlord-Tenant Affairs Investigator Investigates the Complaint

OLTA investigates complaints to determine whether there are reasonable grounds to believe that the complainant's allegation is true and to decide whether a defective tenancy exists. The investigator examines relevant documents (e.g., lease, receipts), interviews both parties, and conducts research. The investigator also conducts site visits, if appropriate. The time required to complete an investigation varies depending on the complaint.⁴

Some complaints require a very brief investigation and can be resolved right away in a more informal fashion. For example, the investigator may explain the landlord-tenant law to the complainant or hold a conference call with both parties to resolve the dispute.

The County Code indicates that DHCA can take immediate action if an investigator determines that a tenant's health, safety, welfare or well-being is in immediate danger. In these situations, OLTA sends a code enforcement officer to immediately inspect the property and, if appropriate, to issue citations. OLTA holds a conciliation conference with the parties immediately. OLTA can also request assistance from the Office of the County Attorney or call the Commission on Landlord-Tenant Affairs into emergency session.

STEP 3 – The OLTA Investigator Holds a Conciliation Conference with all of the Parties Involved in the Complaint

OLTA investigators attempt to resolve all other complaints through a conciliation conference. At the conference, the parties and their representatives negotiate a resolution to the dispute with the assistance of the investigator, who makes sure everyone gets a chance to speak and answers questions. If the parties resolve the dispute, the investigator drafts an agreement which clearly states what each party has agreed to do to resolve the dispute.⁵ A violation of the agreement can result in legal action.

⁴ The investigator schedules a conciliation conference within two weeks of receiving a complaint. The investigation may or may not be complete before the conciliation conference takes place. If necessary, the investigation continues after the conference.

⁵ The agreement does not mean that either party admits guilt; rather, the agreement is made in good faith to resolve the dispute.

OLTA holds approximately 10 conciliation conferences per week. Revisions to Chapter 29, effective April 2001, require that the conciliation conference take place within 30 days after the complaint is filed with OLTA. There was no statutory time limit before this change.

STEP 4 – Investigator Prepares a Determination Letter

If a complaint is still not resolved, the investigator prepares a determination letter. The determination letter describes the investigation process, presents evidence, and explains the investigator's findings. The determination letter states whether the investigator found that a defective tenancy exists (i.e., the lease, County Code, law or regulation was violated). The determination letter also presents the investigator's recommendation for further action.

STEP 5 – Investigator Gives the Parties Another Opportunity to Resolve the Dispute and Refers Unresolved Disputes to the Commission on Landlord-Tenant Affairs

After the determination letter is completed and shared with the parties, the investigator gives them another opportunity to resolve the dispute. If the dispute is still unresolved after this step in the process, OLTA presents the complaint to the Commission on Landlord-Tenant Affairs for review.

In FY 2001, OLTA staff resolved 97% of the total complaints within these first five steps of the process, through informal discussions with the parties or a formal conciliation conference. Those complaints do not require involvement of the Commission on Landlord-Tenant Affairs.

STEP 6 –The Commission on Landlord-Tenant Affairs Reviews the Complaint

The Commission meets the first Tuesday of every month to review complaints and usually reviews complaints within 60 days after OLTA staff determine that the dispute cannot be resolved. OLTA staff distribute a case summary for each complaint to the Commission members one week prior to the meeting. The case summary includes:

- The allegations of the complaining party,
- The response of the responding party,
- Relevant facts and documents discovered through the investigation,
- Citations of applicable laws and precedent cases,
- A concise statement of the factual and legal issues in dispute,
- A staff determination as to whether an apparent violation of law or lease occurred, and
- A staff recommendation as to whether the Commission should vote to accept jurisdiction and conduct a public hearing.

If the investigator found no defective tenancy, he or she recommends that the Commission dismiss the complaint. If the investigator found that a defective tenancy exists, he or she recommends that the Commission hold a hearing. In addition, either party to the dispute has the opportunity to submit written comments to the Commission prior to the meeting.

An attorney from the Office of the County Attorney who is assigned to the Commission attends the monthly meetings. The attorney serves as the legal expert or consultant to OLTA staff and the Commission. The attorney answers questions and provides updates on the status of cases appealed to the Circuit Court.

At the monthly meetings, OLTA staff present the case and the Commission members review and discuss the case summary. Based on the information presented and the staff recommendation, the Commission members vote to either:

- Dismiss the complaint,
- To request additional investigation, or
- Assert jurisdiction over the complaint and hold a hearing.

Table 2 shows the number and results of complaints reviewed by the Commission between FY 1999 and FY 2001. Since FY 1999, the Commission has voted to dismiss approximately half of the complaints and hold hearings for approximately half of the complaints. In general, the Commission votes to dismiss complaints that investigators found indicate no defective tenancy (i.e., the lease, County Code, law or regulation was not violated).

Table 2 – Commission on Landlord-Tenant Affairs Complaint Review⁶

	FY 1999	FY 2000	FY 2001
Number of Complaints Reviewed by the Commission	58	35	41
Percent Dismissed by the Commission	47%	45%	49%
Percent Scheduled for a Commission Hearing	53%	55%	51%

If the Commission votes to dismiss a complaint, the OLTA investigator prepares a formal dismissal letter. Staff sends the letter, approved and signed by the Commission Chair, to the complainant and the respondent. Either party to the complaint can appeal the Commission's decision to dismiss to the Circuit Court. The appeal process is described beginning on page 22.

⁶ For each fiscal year, this table reports the number of complaint cases that were opened during the designated fiscal year. For example, a complaint received at the end of FY 99 and reviewed by the Commission during the beginning of FY 2000 is counted in the FY 1999 column.

STEP 7 –The Commission on Landlord-Tenant Affairs Holds a Hearing on the Complaint

If the Commission on Landlord-Tenant Affairs votes to accept jurisdiction over a complaint, the Commission appoints three members to serve as a hearing panel and schedule a public hearing. The hearing panel includes a tenant representative, a landlord representative, and an public-at-large representative. One member serves as the panel chair.

The Commission held 31, 19, and 21 hearings in FY 1999, FY 2000 and FY 2001, respectively. The overwhelming majority of the complaints brought before the Commission for a hearing were related to security deposit disputes. OLTA also reports that the majority of security deposit complaints that come before the Commission for a hearing involve a respondent who does not rent property as a full-time business. Most of the respondents involved in Commission hearings are individuals who own and rent one or two single family properties.

Preparing for a Hearing

OLTA must provide 30 days written notice to all of the parties involved in a complaint that a Commission panel will hold a hearing, the date, time and location of the hearing, and the names of the Commission panel members. Parties to the complaint may request a postponement or continuance of a hearing by letter to the Commission chair.

OLTA sends a brochure titled “Preparing for Your Public Hearing” to all complainants and respondents before the hearing. OLTA staff prepares a case file for the hearing for each Commission panel members, the complainant, and the respondent. It includes all relevant documentation, including correspondence, exhibits, and photographs.

OLTA also advises the parties that they have 15 days to request that OLTA summons persons or subpoena documents for the hearing. The Commission panel chair review the list of people summoned and documents subpoenaed and can request additional individuals and documents. At least three weeks before the hearing, OLTA staff also prepare summonses. Failure to comply with a summons issued pursuant to Chapter 29 is a misdemeanor and subject to a fine not exceeding \$1,000 and costs.

Conducting a Hearing

A hearing before the Commission is similar to a court case, but is less formal. The hearings are open to the public, unless one of the parties requests and the Commission approves a closed hearing. Both parties may present testimony and evidence at the hearing.

The Commission panel follows the same general steps during each hearing. Attachment 4, at ©12, lists the specific steps in the hearing process. The panel chair begins by reading through instructions for the hearing and administering the oath. The complainant presents his or her case, followed by the respondent. Then the complainant provides rebuttal testimony. The hearing concludes with closing arguments from both parties.

A court reporter records the proceedings and all testimony is taken under oath. OLTA staff make sure that all witnesses are properly sworn in, label all exhibits that are entered into the hearing record, and take notes of panel deliberations. Unfinished hearings are continued on the next available date.

STEP 8 –The Commission on Landlord-Tenant Affairs Issues a Decision and Order

Preparing the Decision and Order

Within 45 days after hearing a case, the County Code requires the Commission hearing panel to issue an opinion as to whether a violation of law occurred and to submit a decision and order. The decision and order summarizes the complaint, states the findings of fact, the conclusions of law, and the panel's order. The hearing panel chair prepares the first draft of the decision and order and the other panel members review and comment. The panel chair and DHCA Division Chief must approve the final decision and order. The OLTA staff assist in the process of completing the decision and order.

OLTA reports that the Commission panel usually formulates an opinion and issues a decision and order within 30 days of the hearing. OLTA staff send the decision and order to the complainant and respondent by regular and certified mail. They also send copies of the decision and order to other interested parties, such as attorneys involved with the complaint.

Commission Decisions and Orders

When the Commission panel finds that a landlord caused a defective tenancy, the County Code provides that the Commission may:

- Terminate the lease and provide the tenant relief from any future obligations under the terms of the lease;
- Return the tenant's security deposit or any part of the deposit that the landlord wrongfully withheld;
- Award up to three times the amount of the tenant's security deposit that the landlord wrongfully withheld;
- Return to the tenant rent already paid to the landlord after the landlord was notified of the defective tenancy condition;
- Award money, up to \$2,500 per affected dwelling unit, for damages sustained by the tenant;

- Award money for the tenant to obtain temporary substitute rental housing in the area; and/or
- Award the tenant up to \$1,000 for attorney's fees incurred in defense of a retaliatory or illegal eviction by the landlord.

If the Commission hearing panel finds that a tenant caused a defective tenancy, the County Code indicates that the Commission may award the landlord:

- The authority to immediately terminate the lease and gain possession of the premises; and/or
- Damages to be paid by the tenant, limited to the landlord's actual damage or loss and up to \$2,500.

Summaries of the Commission decisions and orders are on the DHCA web site <http://hca.emontgomery.org/Housing/Decisions>. If the hearing panel finds that the respondent has not violated the law or not caused a defective tenancy, the panel completes a decision and order that dismisses the complaint. OLTA data indicate that the complaint was dismissed or found in favor of the landlord following six hearings in FY 1999, one hearing in FY 2000, and one hearing in FY 2001.

The high proportion of cases found in favor of tenants is partially a product of the design of the complaint handling process. Approximately 97% of the complaints submitted to OLTA annually come from tenants alleging that a landlord created a defective tenancy. The complaint handling process is designed to resolve all of the cases that do not represent a defective tenancy through conciliation. Therefore, most complaints that would be found in favor of a landlord (i.e., those that do not represent a defective tenancy), have been resolved before they get to a Commission hearing.

The most common remedy ordered by the Commission finds that a landlord caused a defective tenancy is payment of a monetary award. For example, security deposit complaints usually result in the Commission ordering landlords to pay the portion of a tenant's security deposit that was wrongfully withheld. During FY 99, FY 00 and FY 01, the Commission also ordered landlords to reimburse tenants for repairs, landlords to pay or refund a portion of a tenant's rent, and landlords to terminate leases. State law also permits the Commission to award to the complainant tenant up to three times the amount of the security deposit wrongfully withheld as a penalty against the landlord.

The average dollar amount awarded by the Commission to tenants during FY 99, FY 00, and FY 01 were \$2,028, \$1,365, and \$1,658 respectively. The amount awarded ranged from a low of \$47 to a high of \$5,985. It includes awards of returned security deposits and rent, as well as reimbursement for repairs/maintenance.

License revocation cases involve a property owner appealing a decision by DHCA to revoke a rental housing license. In five of the six license revocation cases before the Commission between FY 1999 and FY 2001, the Commission ordered that DHCA temporarily reinstate the complainants rental housing license with conditions

(e.g., correction of housing code violations). The Commission order also indicated that the license would be fully reinstated if the property complies with the housing code and passes DHCA inspections.

Compliance with Commission Orders

A Commission's decision and order is legally binding. The County can take enforcement action if either party fails to adhere to the provisions of the Commission's decision and order. Commission orders stipulate that if the respondent has not made a bona fide effort to comply with the order within 30 days, DHCA will send a civil citation warning letter with a copy to the County Attorney. If the party does not comply within 10 days of receiving the warning, DHCA issues a Class A civil citation, as set forth in Section 1-19 of Chapter 1 of the County Code. Compliance with a Commission order may be enforced by an injunction or other appropriate legal action. Any court with jurisdiction may issue restraining orders, temporary or permanent injunctions, or other appropriate relief.

STEP 9 – Complainant Appeals the Commission's Decision and Order to the Circuit Court

Either party to a complaint can appeal a Commission decision to the Circuit Court. According to DHCA, ten Commission decisions were appealed in FY 1999, four decisions were appealed in FY 2000, and another four in FY 2001. The Court upheld all of the FY 1999 Commission decisions appealed to the Circuit Court. For the complaints appealed in FY 2000, the Circuit Court upheld the Commission's decision in three appeals and the fourth was settled out of court.⁷ For the complaints appealed in FY 2001, three cases are pending and one case was dropped after the individual decided not to pursue an appeal after all.

The Maryland Rules of Procedure describe the process for handling appeals. When a Commission decision and order is appealed, the Circuit Court notifies the Office of Landlord-Tenant Affairs. OLTA staff promptly send a notice of appeal to the complainant, respondent, attorneys, County Attorney's Office, and members of the Commission.

OLTA staff order a copy of the Commission panel hearing transcript (the appealing party is responsible for paying for the hearing transcript). OLTA staff transfer copies of the case file, exhibits, and hearing transcript to the Circuit Court and the County Attorney. OLTA must send the materials to the County Attorney within 30 days of

⁷ The Commission's decision was appealed to the Circuit Court and subject to a settlement agreement whereby the Commission's decision was agreed to be of no further force or effect. The landlord in its appeal claimed that the Commission decision had numerous defects and was void. The County and the tenants maintained that the decision was valid and that the Commission acted properly. The parties settled the case on appeal and provided that the settlement was not an admission by the landlord of any violation of law, nor any acknowledgement by the tenants that their respective complaints were anything but bonified.

receiving notice of the appeal. The County Attorney must file the material with the Circuit Court within 60 days of notice of the appeal.

The Office of the County Attorney will intervene in the appeal, if the appeal questions the validity of a County law or policy. If the appeal does not directly impact County laws or policies, the County Attorney only monitors the case. The County Attorney's Office frequently intervenes in appeals to the Circuit Court. Of the four appeals in FY 2001, the County Attorney intervened in two and has not yet determined whether intervention is necessary in the other two cases.

An example of an appeal that the County Attorney would intervene in is an appeal that questions the County's authority under state law to have the Commission hear security deposit cases. By intervening the County Attorney's Office actively defends the County and Commission in court. This involves activities such as submitting memos of law, responding to motions, and arguing on behalf of the County.

Parties to a complaint can also appeal a Circuit Court decision to the Maryland Court of Special Appeals. OLTA is not involved in appeals to the Court of Special Appeals. The Court of Special Appeals did not reverse any Commission or Circuit Court decision in FY 1999, 2000, or 2001.

IV. The Timing of the Complaint Resolution Process

The length of time between receipt and resolution of complaints varies depending on the complexity of the complaint and at which point in the process it is resolved. Table 3 lists the steps in the process, the time frame required by the Montgomery County Code, and the average time it currently takes OLTA staff and the Commission to complete the step.

Table 3 – County Code Requirements and Average Time to Complete Steps in the Complaint Handling Process

Step #	Description of Step	County Code Requirement	Average Time to Complete
Step 3	Investigator holds a conciliation conference with the parties involved in the complaint	Within 30 days of receipt of complaint	14 days after receipt of complaint
Step 6	Commission holds a hearing	Not less than 30 days of service of summons for individuals to appear at a hearing	45 days after Commission review
Step 7	Commission issues a decision and order	Within 45 days of a hearing	30 days after a hearing

OLTA data indicate that for complaints resolved between July 2000 and April 2001 the number of days a complaint was open ranged from one day to 378 days. Complaints reconciled by OLTA staff, without involvement of the Commission usually take about one month to close. That includes the time to investigate and conciliate a complaint. Complaints that require a Commission hearing take longer to resolve.

Table 4 shows the number of complaints closed within 30 days, 31 to 90 days, 91 to 180 days, and more than 181 days. The data indicate that just over half of the cases closed during FY 2001 took one month or less to resolve. Another 30% of the complaint cases were resolved within two to three months. Only 2% of the complaint cases were open more than six months.

Table 4 – Length of Time to Close Complaints Submitted between July 2000 and April 2001

Length of Time to Close a Complaint	Number of Complaints	Percent of Complaints
0 to 30 days	448	58%
31 to 90 days	223	29%
91 to 180 days	80	10%
181+ days	14	2%
Total	765	100%

V. Participant Observations

A. Results of a Client Satisfaction Survey

The Office of Landlord-Tenant Affairs collects data on participant satisfaction with the complaint handling process twice a year. OLTA sends letters to all parties involved in disputes asking them to complete a client satisfaction survey on the DHCA web site. Individuals can request paper surveys if they do not have access to the Internet. The survey form requests feedback on fairness, timeliness, and satisfaction with the OLTA staff and the complaint handling process.

For the period from July to March 2001, 150 tenants and 50 landlords responded to the OLTA survey. The survey results are summarized in Table 5. The results do not represent the universe of people involved in the complaint handling process.

In the future, OLTA would like to set up a system that automatically distributes letters every two weeks to parties completing the complaint resolution process during the previous two weeks. This would assure better response rates because individuals are more likely to complete the survey if contacted soon after the complaint is resolved.

Table 5: Results of OLTA's Customer Satisfaction Survey (July 2000–March 2001)

Percent of landlords rating the following factors as Good or Excellent:	
Fairness with which the matter was handled	86%
Speed with which the matter was handled	86%
Courtesy and attitude of program staff	89%
Percent of tenants rating the following factors as Good or Excellent:	
Fairness with which the matter was handled	88%
Speed with which the matter was handled	89%
Courtesy and attitude of program staff	89%

B. Observations of Commission on Landlord-Tenant Affairs Members

OLO interviewed six of the 12 current members of the Commission on Landlord-Tenant Affairs. The members expressed satisfaction with the complaint handling process and the Office of Landlord-Tenant Affairs staff. They also shared some ideas of ways to make the Commission members' jobs easier.

The Commission members interviewed believe that the current process for handling complaints from landlords and tenants is effective, particularly the practice of conciliating as many complaints as possible. Commission members also noted that the process works for different types of complaints (e.g., security deposit, maintenance, license revocation) and for less complicated and more complicated cases. One member noted that a measure of the effectiveness of the process is the low number of cases appealed to the Circuit Court and the fact that the Circuit Court has upheld all of the Commission's decisions and orders.

OLO asked the members about the timing of the complaint handling process. Those interviewed indicated that the timing is sufficient, but it would be helpful if complaints were resolved faster. Multiple Commission members noted that OLTA's complaint handling process is much faster than the process of resolving cases in court. Another member indicated that complaints are resolved more quickly now than they were in the past. Commission members also mentioned that cases take longer to resolve when the Commission does not have a quorum at their meetings, which prevents them from taking any action on cases. Multiple interviewees recognized that OLTA and the Commission cannot always control the amount of time it takes to resolve complaints, because the timing depends on the cooperation of the complainants and respondents.

All of the Commission members interviewed also expressed satisfaction with the performance of the OLTA staff. The Commission members were very complimentary of the quality of the staff work, including the investigations, conciliation, and support provided at hearings. They noted that the large proportion of complaints resolved

through conciliation is an indication of the staff's effectiveness. The Commission members interviewed also find the assistance provided by the staff of the County Attorney's Office helpful.

OLO asked the Commission members to explain what would make their job easier. Four of the six Commission members interviewed indicated that they would prefer to have the OTLA staff write the decisions and orders. Currently, the hearing panel chair is responsible for writing the decision and order. OLT staff provide assistance, as needed. A decision and order is prepared following every hearing and describes the complaint, the facts of the case, the Commission's decision, and the Commission's order.

These four Commission members indicated that they are comfortable with the time invested in attending monthly Commission meetings and hearings, preparing for hearings, and making decisions about cases. The additional time required of the hearing panel chair to write the decision and order is difficult to manage, especially for members who are not attorneys and not familiar with writing this type of document. A few of the members suggested that the panel chair prepare an outline and the OLT staff write the decision and order. They indicated that some of the preparation of the decision and order comes from a boilerplate that the OLT staff is more familiar with than the Commission members.

Interviewees reported that while some of the Commission members are willing to serve without compensation, it would be appropriate to provide compensation given the amount of time invested in the Commission. There seems to be little awareness among the Commission members that they can be reimbursed for the cost of child care and transportation. It is unclear how helpful that reimbursement would be, since most of the Commission members do not have children and live in relatively close proximity to the meeting location.

In terms of recruitment, the Commission members that OLO interviewed indicated that the work involved in preparing decisions and orders may discourage individuals from serving on the Commission. They also noted that the lack of compensation may discourage individuals from serving. In terms of recruiting tenant members, one interviewee indicated that the transient nature of the tenant population in this region probably contributes to the difficulty of recruiting Commission members in the tenant category.

Individuals are appointed to the Commission in either the landlord, tenant, or public-at-large category. Two of the members interviewed mentioned concern with the public's perception that the Commission members are advocates for the appointed category. Two of the Commission members believe that the public should be better informed that the Commission members serving on hearing panels do not automatically represent either the landlord or the tenant at the hearing.

One Commissioner expressed concern with the provision of Chapter 29 that prohibits a property manager from representing a property owner before the Commission. The Commission member noted that property owners often live out of the area and cannot attend hearings. The Commission member is concerned that if the owner cannot travel here and the property managers cannot represent the owner, the owner may be forced to settle the dispute without a hearing.

C. Observations of Office of Landlord-Tenant Affairs Staff

OLO interviewed five investigators in the Office of Landlord-Tenant Affairs. OLTA staff interviewed agree with the Commission members that DHCA has an effective process in place to handle complaints from landlords and tenants. The investigators also agreed that the strategy of conciliating as many complaints as possible before referring to the Commission is an important part of making the process efficient and effective. The OLTA staff also reported that the hearings are effective, particularly because they give the parties an opportunity to have their case heard.

The OLTA staff indicated that the current members of the Commission are of very high quality. One investigator reported that it sometimes takes the Commission members a long time to write the decision and order. The OLTA staff also find the assistance of the attorney from the Office of the County Attorney helpful.

The OLTA staff recognize that they do not have complete control of the time it takes to resolve complaints. One investigator pointed out that while it is important to resolve cases as quickly as possible, it would be a mistake to rush the process at the expense of thorough investigations and good decision making. For example, if an investigator rushes an investigation to schedule a conciliation conference quickly, the investigation may not produce all of the information needed to resolve the dispute at the conciliation conference.

The investigators interviewed reported concern with the workload involved in responding to citizen inquiries. As described earlier, OLTA staff spend approximately 50% of their time responding to phone and walk-in inquiries about landlord-tenant issues. The investigators rotate the responsibility, with two assigned to respond to phone and walk in inquiries during business hours on Monday through Friday. Investigators can respond to most of the questions immediately. Other requests require the investigator to read a document or research an issue and get back to the landlord or tenant.

The Department is pleased that more citizens are requesting general information about landlord-tenant issues, because it indicates that efforts to get more information into the community to prevent disputes have been effective. A result of the high volume of inquiries is the time it takes away from investigators for handling formal complaints. They report that it would be helpful if an additional staff member was trained to handle all of the citizen inquiries. The investigators could then focus their efforts on conducting investigations of formal complaints, resolving the complaints through conciliation, and supporting the Commission during the hearing process.

D. Observations of the Office of the County Attorney

The Office of the County Attorney assigns an attorney to the Commission on Landlord-Tenant Affairs. The attorney spends approximately five to ten percent of his time supporting the Commission by:

- Advising the Commission members and OLTA staff,
- Reviewing Commission decision and orders, when requested,
- Providing updates on the status of cases appealed to the Circuit Court, and
- Intervening in appeals on behalf of the County Attorney's Office.

The attorney reports satisfaction with the complaint handling process. He also noted the high quality of the OLTA staff and Commission members. He stated that the investigators' case summaries and the Commission members' decisions and orders are well written.

VI. Findings and Recommendations

A. Findings

OLO found that OLTA operates an efficient and effective process for resolving complaints from landlords and tenants. In particular, the conciliation conferences allow OLTA staff to resolve the vast majority of the complaints in a timely and efficient matter, without involvement of the Commission on Landlord Tenant Affairs.

The process also provides for formal hearings before the Commission for disputes that cannot be resolved through conciliation. In FY 2001, the Commission held hearings for 3% of the complaints. As with any quasi-judicial process, all complainants and respondents may not be satisfied with the outcome of the process all of the time. Therefore, the process provides the opportunity to appeal any Commission decision and order to the Circuit Court.

Finding 1. Staff in DHCA's Office of Landlord-Tenant Affairs (OLTA) and members of the Commission on Landlord-Tenant Affairs (Commission) resolve complaints from landlords and tenants.

The OLTA staff includes five full time investigators, one part time investigator, one program manager, and an administrative aide. They spend approximately 50% of their time responding to general inquiries from the public about landlord-tenant issues. They dedicate approximately 45% of their time to resolving formal complaints, including:

- Investigating complaints,
- Conducting conciliation conferences,
- Drafting agreements between landlords and tenants,
- Presenting cases to the Commission on Landlord-Tenant Affairs, and
- Staffing Commission on Landlord-Tenant Affairs hearings.

The staff uses the remaining time to educate and inform the public through presentations and meetings, and accompany tenants and landlords on pre-move out inspections. OLTA staff report that the increasing volume of general inquiries limits the amount of time available for outreach and education, and takes away from time the investigators could spend resolving formal complaints.

The Commission on Landlord-Tenant Affairs is a quasi-judicial administrative body charged with enforcing Chapter 29 of the Montgomery County Code. The Commission members meet monthly to review new complaints and decide which complaints require a hearing. The Commission members also serve on three-member hearing panels that hear complaints, and write decisions and orders following the hearings. The County does not compensate members of the Commission on Landlord-Tenant Affairs, but reimburses for transportation and child care expenses.

There are currently three vacancies on the Commission. OLTA staff report difficulty filling some positions and indicate that the vacancies impact the Commission's ability to review cases and hold hearings in a timely manner. Vacancies also create additional work for the existing members. The Council discussed Commission vacancies and compensation during review of Emergency Bill 36-00, Membership.

Finding 2. During FY 2001, the Office of Landlord-Tenant Affairs (OLTA) received 1,284 formal complaints from landlords and tenants. OLTA has a nine step process in place to resolve complaints.

The complaints received in FY 2001 related primarily to security deposits, rent increases, lease agreements, fees/fines, and termination of tenancy. The process for resolving the complaints is illustrated in the flow chart on page 14. It involves:

- OLTA staff investigating a complaint,
- OLTA staff attempting to resolve the dispute through a conciliation conference,
- The Commission on Landlord-Tenant Affairs reviewing unresolved disputes to determine whether to dismiss the complaint or hold a hearing about the complaint,
- The Commission on Landlord-Tenant Affairs holding a hearing, resulting in a decision and order.

Either party to a complaint can appeal a Commission on Landlord-Tenant decision to the Circuit Court. The Court upheld the Commission's finding in all but one of the 14 appeals in FY 1999 and FY 2000.⁸ Four Commission decisions were appealed during FY 01. Three of the appeals are pending and one was dropped.

⁸ For one appeal, the parties reached a settlement agreement.

Finding 3. The complaint handling process is designed to resolve the majority of the formal complaints through conciliation conferences.

In FY 2001, OLTA staff resolved approximately 97% of the complaints within the first five steps of the complaint handling process. These disputes were resolved through informal coordination and discussion with the parties, and through formal conciliation conferences. Those complaints did not require involvement of the Commission on Landlord-Tenant Affairs.

The Commission on Landlord-Tenant Affairs only reviews the complaints that were not resolved through a conciliation conference. In FY 01, the Commission reviewed 41 complaints and voted to assert jurisdiction over and hold a hearing on 21 of the complaints. All but one of the cases that went to hearings during FY 01 were related to a security deposit dispute.

The hearing panel chair writes a decision and order for each complaint following the hearing. The Commission decided all but one of the complaints in favor of the tenant in FY 01. The average dollar amount awarded by the Commission to tenants during FY 01 was \$1,658.

Finding 4. The length of time between receipt and resolution of complaints varies depending on the complexity of the complaint, and at which point in the process it is resolved.

For cases resolved between July 2000 and April 2001, the number of days a case was open ranged from one day to 378 days. The data also indicates that 58% of the complaints open during FY 2001 were resolved within 30 days. An additional 29% were resolved in 31 to 90 days. Only 2% of the complaints required more than 181 days to resolve.

Finding 5. A recent customer satisfaction survey found over 85% satisfaction with the fairness and speed of the process, and with the courtesy and attitude of the OLTA staff. Interviews with OLTA investigators and members of the Commission on Landlord-Tenant Affairs also indicated satisfaction with the current process.

During FY 2001, 150 tenants and 51 landlords involved in the complaint handling process responded to an OLTA satisfaction survey. The landlords rated between 86% and 89% satisfaction with the fairness and speed of the process, and the courtesy and attitude of the staff. The tenants indicated between 88% and 89% satisfaction.⁹

Most of the interviewees mentioned the effectiveness of the effort to resolve a large proportion of the disputes through conciliation conferences. Most of the Commission members interviewed indicated that they would prefer to have the OLTA staff write the decisions and orders. Some of the Commissioners also suggested that members be compensated for their participation.

⁹ Satisfaction is defined as a "Good" or "Excellent" rating for each item measured.

Interviews with OLTA staff indicated concern with the workload associated with responding to phone and walk-in inquiries. Two investigators respond to these inquiries during business hours on Monday through Friday. Interviewees explained that this task takes significant time away from work on formal complaints and community education and outreach.

B. Recommendations

OLO does not recommend any legislative changes to the provisions of County Code Chapter 29 that address the complaint handling process. OLO does recommend:

- Assessment of the impact of Emergency Bill 36-00 on the complaint handling process,
- Assessment of DHCA's efforts to address concerns of the members of the Commission on Landlord-Tenant Affairs, and
- Council feedback on the potential for appropriating additional resources for the complaint handling process.

Recommendation 1. OLO recommends that the Council formally request that the Department track and report on how Emergency Bill 36-00, Commission on Landlord-Tenant Affairs - Membership affects the Department's ability to fill vacancies on the Commission and to maintain timely resolution of complaints.

The Council's review of Emergency Bill 36-00 included discussion of who may serve on the Commission and the problem of vacancies on the Commission. OLO understands that the legislative intent of the enacted changes was to balance the need to appoint impartial decision makers with the need for flexibility in recruiting new members. (The enacted bill is attached at ©5.)

OLO's evaluation of the landlord-tenant complaint handling process indicates that vacancies on the Commission can lengthen the time it takes to resolve complaints. First, vacancies can make it more difficult to have a quorum of members at Commission meetings. Without a quorum, the Commission cannot take action on complaints, which delays decision making until the next monthly meeting. Vacancies also make it more difficult to schedule three members to hold hearings in a timely manner. In addition, with fewer members, each member must serve on more hearing panels.

OLO recommends that the Council request the Department monitor the impact of Emergency Bill 36-00 on the complaint handling process. Specifically, OLO recommends that DHCA report to the Council during the FY 2003 budget worksessions on the ability to fill Commission vacancies and the timing of the complaint resolution process under the new law. OLO recommends that the Council then revisit membership and recruitment provisions of Chapter 29, if necessary.

Recommendation 2. Until the Council completes its review of compensation for all quasi-judicial boards and commissions, OLO recommends that the Council encourage DHCA to increase the awareness of the current policy that provides reimbursement for transportation and child care expenses.

The Council considered compensation for Commission members within the context of Emergency Bill 36-00. OLO agrees with the Council's decision to consider the issue of compensation for Commission members in the broader context of compensation for other County boards and commissions.

OLO's interviews with Commission members and OLTA staff indicated that compensation is a concern for some of the members, and that it may keep people from participating on the Commission. Interviews with Commission members also indicated that some are not aware of the County's policy to reimburse for transportation and child care expenses.

OLO recommends that the Council encourage DHCA to actively communicate to members and potential applicants the availability of the reimbursement, and encourage members to avail themselves of the County's policy to reimburse individuals for their public service. OLO also recommends that the Council ask OLTA to track the frequency of use of the reimbursement during FY 2002, and assess the need for additional compensation.

Recommendation 3. OLO recommends that the Council request that DHCA keep Councilmembers informed about the implementation and results of current plans to address the concerns of the Commission members regarding writing decision and orders.

The Commission member serving as hearing panel chair must write the a decision and order for each hearing. Commission members interviewed by OLO indicated that the time required of them to attend the monthly meetings, sit on hearing panels, and make decisions on hearings is reasonable, but the time required to prepare decisions and orders is excessive. They reported that they would prefer to have the OLTA staff write the decisions and orders, with the hearing panel members reviewing the document.

According to DHCA, given the current OLTA investigator workload, it is not feasible for the investigators to write decisions and orders. OLTA reports that one of the investigators with considerable experience writing decisions and orders currently assists Commission members at their request. To further address the Commission members concern, OLTA is planning to provide additional training to Commission members in writing decisions and orders.

OLO supports OLTA's efforts to assist and train Commission members with the task of writing decisions and orders. OLO recommends that the Council ask OLTA to assess the impact of the new training and track the amount of time that investigators devote to assisting Commission members. OLO recommends that the Department report

to the Council during FY 2003 budget worksessions on the status of this issue and the potential need for additional resources to assist with writing decisions and orders in the future.

Recommendation 4. OLO recommends that the Council provide feedback to DHCA on the potential for appropriating additional resources to the complaint handling process in order to:

- **Increase OLTA's capacity to respond to an increasing volume of general inquiries about landlord and tenant issues,**
- **Resolve complaints in a more timely manner as the number of general inquiries and formal complaints increases,**
- **Address systemic problems in the rental housing market, and**
- **Conduct more community outreach and education.**

OLO's observations and interviews with OTLA staff indicate that the current workload limits OLTA's ability to take proactive efforts to address landlord and tenant issues, and lengthens the time it takes to resolve complaints. In particular, the time devoted to responding to an increasing volume of general inquiries about landlord-tenant issues takes away from time to resolve complaints and conduct community outreach and education. DHCA reports that the inquiries are a positive result of the Department's efforts to educate the community and prevent disputes, but puts stress on the other responsibilities of the OLTA staff.

OLO recommends that the Council provide feedback to DHCA on the potential for appropriating additional resources in FY 2003. OLTA could use additional resources for staff to assist investigators with the telephone and walk in inquiries. This would free up investigator time to resolve formal complaints, conduct more public outreach and education, and investigate systematic issues.¹⁰ Additional staff support would also improve the job satisfaction of the current OLTA staff.

OLO recommends that the Council provide feedback on the feasibility of the following three options:

- **Hire part time student interns – OLTA has considered recruiting at local law schools for part time interns to assist the investigators to respond to inquiries, to help staff conciliation conferences, and provide other assistance that provides useful experience for a student. Various departments and agencies use part time law students for these types of tasks. The Office of the State's Attorney, for example, uses law students to screen cases brought to the State's Attorney.**

¹⁰ For example, if a formal complaints leads the investigator to discover that a lease used by a multi-family property is illegal, OLTA could address the problem for all of the tenants at all properties managed by the owner using the flawed lease.

- Apply for an Americorps Volunteer – OLTA has also investigated the possibility of applying for a Federal Americorps employee. The Americorps program provides one full time individual for one year. Under Americorps, the County pays half the salary of the employee and the Federal government pays the other half. The Police Department's Victim Assistance Program has used Americorps employees to respond to telephone calls regarding victim assistance.
- Hire a full time employee – OLO recommends that the Council also consider the possibility of hiring a full time employee to assist the investigators with responding to general inquiries from the public. The position could resemble the Human Relations Commission's (HRC) intake specialist, who responds to calls to HRC, answers questions, and refers callers to further assistance.

Comments on the Final Draft

The Office of Legislative Oversight circulated a final draft of this report to the Chief Administrative Officer and the Department of Housing and Community Affairs (DHCA). The final report incorporates all of the technical corrections received from DHCA. The written comments transmitted by the Chief Administrative Officer are included in their entirety beginning on the following page. OLO appreciates the time taken by Executive Branch staff to review and provide feedback on OLO's draft report.



OFFICES OF THE COUNTY EXECUTIVE


Douglas M. Duncan
County Executive

Bruce Romer
Chief Administrative Officer

MEMORANDUM

September 5, 2001

TO: Jennifer Kimball, Legislative Analyst
Office of Legislative Oversight

FROM: Bruce Romer, Chief Administrative Officer 

SUBJECT: Office of Legislative Oversight Report 2001-6: An Evaluation of the Process of Handling Complaints from Landlords and Tenants in Montgomery County

Thank you for the opportunity to review the draft of the above referenced report. In general, we believe that this report accurately reflects the process by which landlord/tenant complaints are handled and amount of staff resources that are allocated to direct public information efforts. The report also fairly and correctly highlights the strain that such direct public information efforts have placed, and will continue to place, on landlord-tenant staff.

Over the past four years, DHCA's Landlord-Tenant Section staff has aggressively pursued a public education initiative, including efforts directed toward ethnic minority and recent immigrant communities. As a result, there has been a commensurate increase in requests from the public for both general information regarding landlord-tenant issues and mediation and conciliation services. We anticipate that, for at least the foreseeable future, the demand for such services will continue to increase.

With respect to specific recommendations in the draft report, we have the following comments:

Recommendation 1 OLO recommends that the Council formally request the County Government to track and report on whether Emergency Bill 36-00,



Commission on Landlord-Tenant Affairs – Membership, will affect the ability to fill vacancies on the Commission and to maintain timely resolution of complaints.

We agree with this recommendation and DHCA, even in the absence of this recommendation, intended to keep the County Council fully informed about the implementation of the provisions of Emergency Bill 36-00.

Recommendation 2 Until the Council completes its review of compensation for Commission on Landlord-Tenant Affairs members in the broader context of compensation for other quasi-judicial boards and commissions, OLO recommends that the Council encourage DHCA staff to increase the awareness of the current policy that provides reimbursement for transportation and child care expenses.

While it was the Landlord-Tenant Affairs staff's understanding that Commission Members were aware that certain expenses were eligible for reimbursement, apparently this was not the case. We will make certain that all Commission members receive written documentation detailing what expenses are eligible for reimbursement and the procedure that members must follow to receive reimbursement.

Recommendation 3 OLO recommends that the Council request that DHCA keep them informed about the implementation and results of current plans to address the Commission on Landlord-Tenant Affairs Members concerns regarding writing decisions and orders.

DHCA has already started to put together a training session for any Commissioner who feels that she or he is not comfortable with writing decisions and orders. This training will be conducted by DHCA staff and staff from the County Attorney's Office. At the present time, we do not support a change in the authorship of decisions and orders from the Commission Members to staff. Many of the Commissioners are quite expert in drafting such documents. We are hopeful that with the additional training discussed above, all Members of the Commission will become proficient and comfortable in authoring such documents. Of course, DHCA staff will continue to assist Commissioners in the writing of these documents. Finally, to augment the capacity of DHCA staff to provide such assistance, the Administrator of the Landlord-Tenant Section will work closely with the most experienced Landlord-Tenant Investigators to see that their skills in the area of drafting decisions and orders are modeled for other Investigators.

Recommendation 4 OLO recommends that the Council provide feedback to DHCA on the potential for appropriating additional resources to the complaint handling process to increase OLTA's capacity to respond to an increasing volume of general inquires about landlord and tenant issues, resolve complaints in a timely manner,

Jennifer Kimball
September 5, 2001
Page 3

address systematic problems, and conduct more community outreach and education.

Given the increased demands that have been placed on current Landlord-Tenant Section staff, we believe that it may be necessary to allocate more staff resources to the complaint handling process. The Department is moving forward with requests for Americorps volunteers and student interns. DHCA has not, however, reached any decision regarding whether there will be a Departmental request to OMB for additional paid staff.

I understand that the Department of Housing and Community Affairs has communicated technical and editorial changes directly to you. Thank you again for your invitation to comment on the draft report.

BR:swr

cc: Elizabeth B. Davison, DHCA

Attachment 1 - Commission on Landlord-Tenant Affairs Membership

Landlord Category

Greg Smith (Chair)
Roger Luchs
John Peterson
Daryl G. Steinbraker
Kevin Gannon (Alternate)

Tenant Category

Andrea Sonde-Hawthorne
Tina Smith Nelson
Travis P. Nelson
Vacant
Vacant (Alternate)

Public At Large Category

Martin Schnider, Jr.
Jonathan H. Smith
Donna Henry-Wright
Mattie Ligon
Vacant (Alternate)

Emergency Bill No. 36-00
Concerning: Commission on Landlord -
Tenant Affairs - Membership
Revised: 7-31-01 Draft No. 6
Introduced: December 12, 2000
Enacted: July 31, 2001
Executive: August 8, 2001
Effective: August 8, 2001
Sunset Date: None
Ch. 20, Laws of Mont. Co. 2001

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President Ewing, Councilmembers Leggett, Subin, Silverman and Praisner

AN EMERGENCY ACT to:

- (1) amend the qualifications for membership on the Commission on Landlord-Tenant Affairs; ~~[[and]]~~ and
- (2) [[authorize payment of a stipend to certain members of the Commission on Landlord-Tenant Affairs; and]]
- ~~[[3]]~~ generally provide for appointment to membership on the Commission on Landlord-Tenant Affairs.

By amending

Montgomery County Code
Chapter 29, Landlord-Tenant Relations
Section 29-9

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Section 29-9 is amended as follows:

29-9. Creation; composition; applicant disclosure; term of office; compensation.

* * *

(b) **Composition.**

(1) The **Commission** has 12 members and 3 alternate members.

Each member must be a County resident.

(2) Four members and one alternate member each must be:

(A) [the] **an owner of rental housing** located in the County;

(B) a manager, or an employee of a manager, of rental

housing located in the County, or an attorney who

primarily represents owners or managers of rental

housing[, located in the County]]; or

(C) nominated by an organization that represents owners or

managers of **rental housing** located in the County.

(3) Four members and one alternate member each must be:

(A) a **tenant of rental housing** in the County,

(B) an attorney who primarily represents tenants of rental

housing ~~[[in the County]]~~; or

[(B)] (C) nominated by an organization that represents tenants

of **rental housing** located in the County.

A member appointed under this paragraph must not derive a

substantial portion of his or her income from rental housing.

(4) Four members and one alternate member must be selected from

the public at large. A member appointed to represent the public

at large must not be qualified for appointment under

subparagraph (2)(A), (2)(B), [or] (3)(A), or (3)(B), or otherwise

28 derive a substantial portion of his or her income from rental
 29 housing or tenants of rental housing. [[The Executive may
 30 appoint, and the Council may confirm, a member who does not
 31 meet the requirements of the preceding sentence if the
 32 Executive certifies that:

33 (A) after a good faith search, the Executive did not find any
 34 qualified applicant who met those requirements; and

35 (B) the appointee will be able to perform all duties of a
 36 Commission member fairly and impartially,
 37 notwithstanding any affiliation with or income derived
 38 from rental housing or tenants of rental housing.]]

39 (5) As used in this [[Section]] subsection, an attorney primarily
 40 represents either owners and managers of rental housing, or
 41 tenants of rental housing, if at the time of appointment the
 42 attorney appeared in 10 or more landlord-tenant cases in any
 43 jurisdiction, and represented that type of client in more than
 44 60% of the attorney's landlord-tenant cases, in the preceding 12
 45 months. As used in this subsection, a "substantial portion" of a
 46 person's income means, measured at the time of appointment,
 47 either:

48 (A) [[20%]] \$10,000 or more of that person's family income
 49 during the preceding calendar year, or

50 (B) the ownership of more than 5% of any rental housing
 51 unit, or any ownership interest in any business that owns
 52 or manages rental housing.

53 The Director must adjust the \$10,000 amount in the preceding
 54 sentence each year by the increase or decrease in the

appropriate consumer price index for the preceding calendar
year, rounded to the nearest multiple of \$10.

* * *

- (e) **Compensation.** Members of the Commission serve without compensation, except[[:
 (1)] reimbursement for expenses [(including child and dependent care),] as appropriated[[: and]]
 [(2) a stipend, subject to appropriation, for each case heard by a Commission member sitting on a panel which conducts a hearing on a complaint or appeal before the Commission]].

* * *

Sec. 2. Emergency Effective Date.

The Council declares that an emergency exists and that this legislation is necessary for the immediate protection of the public health and safety. This Act takes effect on [[April 1, 2001]] the date when it becomes law.

Sec. 3. Transition. Any amendment to County Code Section 29-9 made by Section 1 of this Act applies only to a member of the Commission on Landlord-Tenant Affairs appointed or reappointed after this Act becomes law.

Approved:

Blair G. Ewing
 Blair G. Ewing, President, County Council

August 1, 2001
 Date

Approved:

Douglas M. Duncan
 Douglas M. Duncan, County Executive

August 8, 2001
 Date

77 *This is a correct copy of Council action.*

78 *Mary A. Edgar* *August 13, 2001*
Mary A. Edgar, CMC, Clerk of the Council Date



Montgomery County Department of Housing and Community Affairs
Division of Housing and Code Enforcement/**Office of Landlord-Tenant Affairs**
100 Maryland Avenue, 4th Floor, Rockville, MD 20850
Telephone: 240-777-3636; TDD 240-777-3679; FAX: 240-777-3691
www.co.mo.md.us/hca



Dear Landlord/Tenant:

Attached is a Montgomery County Landlord-Tenant Complaint form.
To help us better serve you, please follow these steps when filling out the complaint form:

A. Fill Out the Form Accurately and Completely

Please provide a detailed but concise description of the complaint and attach additional pages if needed.

B. Send a Photocopy of the Completed Complaint Form to the Other Party

Please wait seven (7) days for him/her to resolve your complaint.

C. Send the Completed Form to the Office of Landlord-Tenant Affairs

If, after waiting seven (7) days, the other party has not resolved your complaint, please forward to the Office the completed form and any or all of the following:

- lease agreement (including all addenda);
- correspondence to or from the landlord/tenant;
- receipts for repairs; and
- photographs, videotapes, or other documentation in support of this complaint.

Once the Office receives your complaint, a case file will be opened in your name and assigned to a member of the staff for investigation. You and your landlord/tenant will be notified in writing of the case number and the name and telephone number of the Investigator assigned to your case.

If you have any questions regarding any of the above, please contact the Office at 240-777-3636 or visit our website at www.co.mo.md.us/hca.



Montgomery County Department of Housing and Community Affairs
Division of Housing and Code Enforcement/Office of Landlord-Tenant Affairs
100 Maryland Avenue, 4th Floor, Rockville, MD 20850
Telephone: 240-777-3636; TDD 240-777-3679; FAX: 240-777-3691
www.co.mo.md.us/hca



LANDLORD-TENANT COMPLAINT FORM

PART I: Person(s) Filing the Complaint

☐ Landlord ☐ Tenant

Mr./Mrs./Ms. _____

Mr./Mrs./Ms. _____

Address _____

City _____ State _____ Zip Code _____

Daytime phone _____ Evening phone _____

E-mail _____

PART II: Complaint Against

☐ Landlord ☐ Tenant

Mr./Mrs./Ms. _____

Mr./Mrs./Ms. _____

Address _____

City _____ State _____ Zip Code _____

Daytime phone _____ Evening phone _____

E-mail _____

PART III: Rental Property

Check One:

☐ Single-Family (House/ Townhouse)

☐ Multi-Family (Apartment/ Condo)

Address _____

City _____ State _____ Zip Code _____

Name of Complex (if applicable) _____

PART IV: Complaint

1. Issue (Check one or more): ☐ Security Deposit ☐ Lease ☐ Notice to Vacate ☐ Condition of Property ☐ Other

2. State specific complaint (Attach additional pages if necessary) _____

3. State what action(s) will resolve your complaint _____

I hereby certify that the statements made on this form and in the attached documents are true and complete to the best of my knowledge, information and belief. (If there is more than one landlord/tenant on the lease, all parties must sign this complaint form.)

Signature(s) _____

Date _____

Date _____

Have you sent a copy of this form to the other party? ☐ Yes ☐ No

Date _____

Attachment 4 - Commission on Landlord-Tenant Affairs Hearing Process

- I. Panel Chairperson's Statement**
- II. Opening Statements**
 - A. Complainant
 - B. Respondent
- III. Commission Witnesses**
 - A. Witness testimony
 - B. Cross-examination by Commissioners
 - C. Cross-examination by Complainant
 - D. Cross-examination by Respondents
 - E. Redirect examination by Commissioners
 - F. Redirect examination by Complainant
 - G. Redirect examination by Respondents
- IV. Complainant Case**
 - A. Complainant's testimony
 - B. Cross-examination by Respondents
 - C. Cross-examination by Commissioners
 - D. Redirect examination by Respondents
 - E. Redirect examination by Commissioners
 - F. Witness testimony
 - G. Cross-examination by Complainant
 - H. Cross-examination by Commissioners
 - I. Redirect examination by Respondents
- V. Respondent Case**
 - A. Respondent's testimony
 - B. Cross-examination by Complainant
 - C. Cross-examination by Commissioners
 - D. Witness testimony
 - E. Cross-examination by Complainant
 - F. Cross-examination by Commissioners
 - G. Redirect examination by Respondents
- VI. Complainant's Rebuttal Testimony (if any)**
 - A. Complainant's testimony or examination of witness
 - B. Cross-examination by Respondent
 - C. Cross-examination by Commissioners
 - D. Redirect examination by Complainant
- VII. Closing Arguments**
 - A. Complainant
 - B. Respondent
 - C. Complainant's Rebuttal
- VIII. Chairperson's Closing Statement**